



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance Department

SUBJECT: Single-Use Bags And Support For AB 1998 (Brownley)

RECOMMENDATION: That Council:

- A. Authorize the Mayor to send a letter to State Legislators in support of AB 1998 (Brownley) Solid Waste: Single-Use Carryout Bags, and
- B. Postpone reconsideration of a voter survey regarding a possible single-use bag tax until September of 2010.

DISCUSSION:

A full discussion of the issues surrounding single use bags was included in the December 15, 2009, Council Agenda Report, and is therefore not repeated in this report.

Summary of AB 1998 - (Brownley) Solid Waste: Single-Use Carryout Bags:

Effective January 1, 2012 AB 1998 would prohibit supermarkets (and convenience stores on July 1, 2013) from providing single-use plastic bags to customers at the point of purchase. The bill mandates that stores stock reusable bags for purchase and provide paper bags at a cost of no less than \$0.05 per bag. Such paper bags would need to have a minimum of 40 percent post-consumer recycled content, be acceptable for recycling in a majority of curbside programs, and be capable of composting. The bill would repeal the requirement for in-store plastic bag recycling programs as required by AB 2449: Plastic Bag Litter and Waste Reduction, and would also preempt local agencies from enforcing or implementing existing or new ordinances or regulations on single-use or reusable bags.

Stakeholder Positions on AB 1998:

The City of Santa Barbara has partnered with Choose to Reuse, Santa Barbara Channelkeeper, and the California Grocers Association, on the *Where's Your Bag?* Education Campaign to reduce single-use bag use. All three organizations have officially expressed their support for AB 1998 and urge the City to provide a letter of support for passage of the bill.

The League of California Cities has not yet taken an official position on AB 1998 as it is still seeking certain changes to provisions regarding the repeal of the in-store plastic bag recycling program requirements and the preemption of local ordinances. However, League staff has indicated that League support of the bill is likely, even without such changes.

On July 14, 2010, staff met with the Council's Committee on Legislation who recommended that Council support this bill with the following requested amendments related to paper bags. The first request is an increase to the required post-consumer recycled content to sixty percent. Based on recent information that levels above forty percent may compromise bag strength, staff added "or the greatest level that can be achieved without compromising necessary bag strength" to the draft support letter. The second requested amendment is an increase to the charge for such bags to at least \$0.10 to serve as a more effective deterrent to their use. While plastic bags have significant impacts to the marine environment and are a major concern for coastal communities, paper bags can have a just as great or greater overall environmental impact given the extensive resources consumed in their production – water, chemicals, electricity and fossil fuels. A greater fee for paper bags would create a greater incentive to use reusable bags.

Because the Council's current legislative platform takes the position to "Support the ability of jurisdictions to impose a fee or tax on single-use bags", but does not directly address a ban on plastic bags, the Committee asked that staff return to the full Council for support.

Voter Survey Regarding Single-Use Bag Tax:

The City has been involved in efforts to reduce the use of single-use bags and encourage the use of reusable bags for some time now, most notably through the voluntary *Where's Your Bag?* Campaign. The City decided not to pursue a ban on plastic bags because doing so would likely shift consumers to paper bags, which have even greater environmental implications. In addition, the plastics industry has successfully challenged local jurisdictions' attempts at banning plastic bags by arguing a lack of environmental assessment pursuant to CEQA that addresses the impacts of single-use paper bags.

More recently, the City has considered the possibility of a local tax on both paper and plastic single-use bags. A City-imposed fee on stores that comply with AB 2449 is prohibited by AB 2449. However, it is possible to enact a voter-approved tax on consumers that use plastic and paper bags.

On December 15, 2009, the Solid Waste Committee (which has now been absorbed by Sustainability Committee) recommended that Council consider conducting a voter survey on a single-use paper and plastic bag tax to determine the level of public support

for such a tax, and the amount that voters might be willing to pay. Council directed staff to issue a request for proposals (RFP) and on March 30, 2010, staff returned to Council recommending a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates, the selected vendor. Council declined to award the job at that time, and asked that staff return in July 2010 for reconsideration of the survey.

If passed, AB 1998 will ban plastic bags, impose a fee of at least \$.05 on paper bags, and require that those paper bags be both recycled and recyclable. This bill would potentially eliminate the need for a local voter-approved tax as a method to achieve a reduction in the use of single-use bags. The bill is currently scheduled to be heard at the Senate Appropriations Committee in August. Staff recommends that reconsideration of the bag tax survey be postponed until September when we will know more about the status of AB 1998

Mandatory Education Ordinance

In August 2009, the City and its community partners launched the *Where's Your Bag?* Campaign. The goal of the campaign is to encourage people to bring reusable bags whenever they shop. Participating grocery stores are provided with educational materials (information cards, buttons, windshield reminder stickers), staff training, parking lot signs, and tabling events at their stores where free reusable bags are given away. The campaign has also produced media releases and public service announcements to educate the community and spread the message.

One option for further encouraging the public to change their behavior related to plastic and paper bag consumption would be to adopt an ordinance mandating the currently voluntary in-store educational programs. A mandatory education program would be beneficial in City efforts to reduce paper and plastic bag consumption under any circumstances. If AB 1998 does not pass, a mandatory education program would be a valuable tool in reducing single-use bag use, either with or without a complementary local tax. If AB 1998 passes, it would complement the bill by providing the necessary education to the public prior to the January 2012 activation date. However, staff understands that there may be legal restrictions on the City's ability to require a store to advertise this program and the parameters of such an ordinance would need to be carefully considered.

The mandatory education ordinance strategy is supported by Santa Barbara Channelkeeper and Choose to Reuse as a viable step toward the reduction of single-use bags. Over the next few months, as part of the overall discussion of single-use bag reduction, staff plans to work with the Sustainability Committee on the possibility of recommending such an ordinance.

SUSTAINABILITY IMPACT:

Regulation of single use bags has the potential to reduce significant negative environmental impacts related to the manufacture and disposal of single-use bags by increasing consumer use of reusable bags.

ATTACHMENT: Draft letter in support of AB 1998

PREPARED BY: Kristine Schmidt, Acting Environmental Services Manager

SUBMITTED BY: Bob Samario, Interim Finance Director

APPROVED BY: City Administrator's Office



City of Santa Barbara

Office of Mayor

Attachment

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July 14, 2010

Assemblymember Julia Brownley
State Capitol, Room 2163
Sacramento, CA 95814

**RE: AB 1998 - Plastic Bag Ban
NOTICE OF SUPPORT**

Dear Assemblymember Brownley:

On behalf of the City of Santa Barbara, I'm writing to express support for AB 1998 which will ban plastic single-use carryout bags at supermarkets throughout the state and encourage shoppers to bring their own reusable bags.

The 19 billion single use plastic bags that Californians use each year have enormous environmental impacts throughout the state. Plastic shopping bags represent a significant component of urban litter, and are also a principal component of the litter that enters California's creeks, streams, and bays. The state spends an estimated \$25 million annually to clean up and landfill these littered bags, and local governments spend over \$300 million annually to clean littered streets and waterways.

The City of Santa Barbara, in partnership with local non-profit agencies, has actively promoted the use of reusable bags through an educational campaign entitled "*Where's Your Bag?*" AB 1998 would provide a consistent approach to reduce the negative impacts of single use bags across jurisdictions, without resorting to government-imposed taxes or fees.

The passage of AB 1998 will be a major step for California to become a true leader in preventing the proliferation of plastic pollution. AB 1998 would provide a comprehensive, statewide solution to this growing problem by incentivizing consumers to reduce waste by either bringing their own shopping bags or paying a fee for recycled-content paper shopping bags.

While we support AB 1998, we ask that you consider an increase to the fee for paper bags to at least \$0.10 to more effectively deter their use and create more of an incentive to use reusable bags. We also ask that you consider a level of post-consumer recycled content of 60%, or the greatest level that can be achieved without compromising necessary bag strength.

Sincerely,

Helene Schneider
Mayor

cc: Mayor and Council
Jim Armstrong, City Administrator
Assemblymember Pedro Nava
Senator Tony Strickland
League of California Cities